

# Union Calendar No. 288

108TH CONGRESS  
2D SESSION

# H. R. 1678

[Report No. 108–505]

To amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Mr. SMITH of Texas (for himself, Mr. SCHIFF, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. KELLER, Mr. OXLEY, Mr. WOLF, and Mr. FERGUSON) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 20, 2004

Additional sponsors: Mr. ACKERMAN, Mr. SENSENBRENNER, and Mr. GALLEGLY

MAY 20, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Anti-Hoax Terrorism  
3 Act of 2003”.

4 **SEC. 2. HOAXES AND RECOVERY COSTS.**

5 (a) PROHIBITION ON HOAXES.—Chapter 47 of title  
6 18, United States Code, is amended by inserting after sec-  
7 tion 1036 the following:

8 **“§ 1037. False information and hoaxes**

9 “(a) CRIMINAL VIOLATION.—Whoever engages in  
10 any conduct, with intent to convey false or misleading in-  
11 formation, under circumstances where such information  
12 may reasonably be believed and where such information  
13 concerns an activity which would constitute a violation of  
14 section 175, 229, 831, or 2332a, shall be fined under this  
15 title or imprisoned not more than 5 years, or both.

16 “(b) CIVIL ACTION.—Whoever engages in any con-  
17 duct, with intent to convey false or misleading informa-  
18 tion, under circumstances where such information con-  
19 cerns an activity which would constitute a violation of sec-  
20 tion 175, 229, 831, or 2332a, is liable in a civil action  
21 to any party incurring expenses incident to any emergency  
22 or investigative response to that conduct, for those ex-  
23 penses.

24 “(c) REIMBURSEMENT.—The court, in imposing a  
25 sentence on a defendant who has been convicted of an of-  
26 fense under subsection (a), shall order the defendant to

1 reimburse any party incurring expenses incident to any  
 2 emergency or investigative response to that conduct, for  
 3 those expenses. A person ordered to make reimbursement  
 4 under this subsection shall be jointly and severally liable  
 5 for such expenses with each other person, if any, who is  
 6 ordered to make reimbursement under this subsection for  
 7 the same expenses. An order of reimbursement under this  
 8 subsection shall, for the purposes of enforcement, be treat-  
 9 ed as a civil judgment.”.

10 (b) **CLERICAL AMENDMENT.**—The table of sections  
 11 at the beginning of chapter 47 of title 18, United States  
 12 Code, is amended by adding after the item for section  
 13 1036 the following:

“1037. False information and hoaxes.”.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Stop Terrorist and Mili-*  
 16 *tary Hoaxes Act of 2004”.*

17 **SEC. 2. HOAXES AND RECOVERY COSTS.**

18 (a) **PROHIBITION ON HOAXES.**—Chapter 47 of title 18,  
 19 United States Code, is amended by inserting after section  
 20 1037 the following:

21 **“§ 1038. False information and hoaxes**

22 **“(a) CRIMINAL VIOLATION.**—

23 **“(1) IN GENERAL.**—Whoever knowingly engages  
 24 *in any conduct with intent to convey false or mis-*  
 25 *leading information under circumstances where such*

1        *information may reasonably be believed and where*  
2        *such information indicates that an activity has taken,*  
3        *is taking, or will take place that would constitute a*  
4        *violation of chapter 2, 10, 11B, 39, 40, 44, 111, or*  
5        *113B of this title, section 236 of the Atomic Energy*  
6        *Act of 1954 (42 U.S.C. 2284), or section 46502, the*  
7        *second sentence of section 46504, section 46505 (b)(3)*  
8        *or (c), section 46506 if homicide or attempted homi-*  
9        *cide is involved, or section 60123(b) of title 49 shall—*

10                *“(A) be fined under this title or imprisoned*  
11                *not more than 5 years, or both;*

12                *“(B) if serious bodily injury (as defined in*  
13                *section 1365 of this title, including any conduct*  
14                *that, if the conduct occurred in the special mari-*  
15                *time and territorial jurisdiction of the United*  
16                *States, would violate section 2241 or 2242 of this*  
17                *title) results, be fined under this title or impris-*  
18                *oned not more than 25 years, or both; and*

19                *“(C) if death results, be fined under this*  
20                *title or imprisoned for any number of years up*  
21                *to life, or both.*

22                *“(2) ARMED FORCES.—Whoever, without lawful*  
23                *authority, makes a false statement, with intent to*  
24                *convey false or misleading information, about the*  
25                *death, injury, capture, or disappearance of a member*

1       *of the Armed Forces of the United States during a*  
2       *war or armed conflict in which the United States is*  
3       *engaged, shall—*

4               “(A) *be fined under this title or imprisoned*  
5               *not more than 5 years, or both;*

6               “(B) *if serious bodily injury (as defined in*  
7               *section 1365 of this title, including any conduct*  
8               *that, if the conduct occurred in the special mari-*  
9               *time and territorial jurisdiction of the United*  
10              *States, would violate section 2241 or 2242 of this*  
11              *title) results, be fined under this title or impris-*  
12              *oned not more than 25 years, or both; and*

13              “(C) *if death results, be fined under this*  
14              *title or imprisoned for any number of years up*  
15              *to life, or both.*

16       “(b) *CIVIL ACTION.—Whoever knowingly engages in*  
17       *any conduct with intent to convey false or misleading infor-*  
18       *mation under circumstances where such information may*  
19       *reasonably be believed and where such information indi-*  
20       *cates that an activity has taken, is taking, or will take place*  
21       *that would constitute a violation of chapter 2, 10, 11B, 39,*  
22       *40, 44, 111, or 113B of this title, section 236 of the Atomic*  
23       *Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the*  
24       *second sentence of section 46504, section 46505 (b)(3) or*  
25       *(c), section 46506 if homicide or attempted homicide is in-*

1 *involved, or section 60123(b) of title 49 is liable in a civil*  
2 *action to any party incurring expenses incident to any*  
3 *emergency or investigative response to that conduct, for*  
4 *those expenses.*

5 “(c) *REIMBURSEMENT.*—

6 “(1) *IN GENERAL.*—*The court, in imposing a*  
7 *sentence on a defendant who has been convicted of an*  
8 *offense under subsection (a), shall order the defendant*  
9 *to reimburse any party incurring expenses incident to*  
10 *any emergency or investigative response to that con-*  
11 *duct, for those expenses.*

12 “(2) *LIABILITY.*—*A person ordered to make re-*  
13 *imbursement under this subsection shall be jointly*  
14 *and severally liable for such expenses with each other*  
15 *person, if any, who is ordered to make reimbursement*  
16 *under this subsection for the same expenses.*

17 “(3) *CIVIL JUDGMENT.*—*An order of reimburse-*  
18 *ment under this subsection shall, for the purposes of*  
19 *enforcement, be treated as a civil judgment.*

20 “(d) *ACTIVITIES OF LAW ENFORCEMENT.*—*This sec-*  
21 *tion does not prohibit any lawfully authorized investigative,*  
22 *protective, or intelligence activity of a law enforcement*  
23 *agency of the United States, a State, or political subdivi-*  
24 *sion of a State, or of an intelligence agency of the United*  
25 *States.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of chapter 47 of title 18, United States Code,*  
 3 *is amended by adding after the item for section 1037 the*  
 4 *following:*

“1038. *False information and hoaxes.*”.

5       **SEC. 3. OBSTRUCTION OF JUSTICE AND FALSE STATE-**  
 6                                   **MENTS IN TERRORISM CASES.**

7       (a) *ENHANCED PENALTY.*—*Section 1001(a) and the*  
 8 *third undesignated paragraph of section 1505 of title 18,*  
 9 *United States Code, are amended by striking “be fined*  
 10 *under this title or imprisoned not more than 5 years, or*  
 11 *both” and inserting “be fined under this title, imprisoned*  
 12 *not more than 5 years or, if the matter relates to inter-*  
 13 *national or domestic terrorism (as defined in section 2331),*  
 14 *imprisoned not more than 10 years, or both”.*

15       (b) *SENTENCING GUIDELINES.*—*Not later than 30*  
 16 *days after the enactment of this section, the United States*  
 17 *Sentencing Commission shall amend the Sentencing Guide-*  
 18 *lines to provide for an increased offense level for an offense*  
 19 *under sections 1001(a) and 1505 of title 18, United States*  
 20 *Code, if the offense involves a matter relating to inter-*  
 21 *national or domestic terrorism, as defined in section 2331*  
 22 *of such title.*

23       **SEC. 4. CLARIFICATION OF DEFINITION.**

24       *Section 1958 of title 18, United States Code, is amend-*  
 25 *ed—*

- 1           *(1) in subsection (a), by striking “facility in”*  
2           *and inserting “facility of”; and*  
3           *(2) in subsection (b)(2), by inserting “or foreign”*  
4           *after “interstate”.*





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